

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, APRIL 5, 2000  
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Land, Nakanishi, Pennino and Mann (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, Finance Director McAthie, City Attorney Hays and Interim City Clerk Taylor

2. INVOCATION

The invocation was given by Pastor Steve Newman, First Baptist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Mann presented the April Community Improvement Award to Charles Easterling to recognize the improvements that he has made to the property located at 1 North Sacramento Street.
- b) Mayor Mann presented a proclamation to Richard Jones, Executive Director with the Lodi Boys and Girls Club, proclaiming the week of April 9 – 15, 2000 as "National Boys and Girls Club Week" in the City of Lodi.
- c) Mayor Mann presented a proclamation to Melanie Hart, Coordinator with the Women's Center, proclaiming the month of April 2000 as "Sexual Assault Awareness Month" in the City of Lodi.
- d) Theo Vandenberg with the Lodi Arts Commission updated the City Council on the many activities and accomplishments of the Arts Commission.
- e) Administrative Assistant to the City Manager Haynes provided a report to the City Council regarding Census 2000. Ms. Haynes encouraged all residents to participate in the Census, which has been going on every ten years since 1790. Census workers are hired locally and assist citizens with completing their forms.

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5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Nakanishi second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$9,147,536.74.
- b) The minutes of February 28, 2000 (Special Meeting), March 1, 2000 (Regular Meeting), March 21, 2000 (Special Meeting) and March 28, 2000 (Special Meeting) were approved as written.
- c) Approved the plans and specifications for White Slough Water Pollution Control Facility Pond Recirculation Pump Replacements and authorized advertising for bids.

*Continued April 5, 2000*

- d) Approved the plans and specifications for Landscape and Irrigation Installation at Water Well #11, 824 East Turner Road, and authorized advertising for bids.
- e) Approved the plans and specifications for West Elm Street Parcels Building Demolition and Site Clearing (Elm Street Parking Lot Project) and authorized advertising for bids.
- f) Approved the specifications for two bucket trucks and authorized advertising for bids.
- g) Adopted Resolution No. 2000-45 awarding the contract for 2000 Sidewalk Repair Program and Miscellaneous Concrete Work to Popuch Concrete Contracting, of Lodi, in the amount of \$74,920, and appropriated funds in accordance with staff recommendation.
- h) Approved issuing a Request for Proposals (RFP) for a washbay equipment system.
- i) Authorized advertising for proposals for security services for the Lodi Station and parking structure.
- j) Agenda item #E-10 entitled, "Approve renewal of contract with Outdoor Systems Advertising Company for City-leased advertising billboards" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- k) Adopted Resolution No. 2000-46 approving the agreement with Pre-Sort Center of Stockton, Inc. for utility bill laser printing and mailing services with the provision that the City may extend the agreement for four one-year periods from the original expiration date, not to exceed a total of five years.
- l) Agenda item #E-12 entitled, "Professional services for Test Well Drilling at Roget Park, 2245 West Kettleman Lane" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- m) Authorized the City Manager to execute a contract with George Miers & Associates, of Moraga, for the final design of the new Fire Station #4 (including Construction Drawings, Specifications and Construction Administration) and to execute contract change orders, as needed, for this project and appropriated \$250,000.
- n) Agenda item #E-14 entitled, "Authorize City manager to execute lease agreement for Lodi Station North Annex with Cheryl Lafebre dba Lodi Greyhound and Western Union" was pulled from the agenda pursuant to staff's request.
- o) Adopted Resolution No. 2000-47 authorizing the City Manager to execute the Northern California Power Agency (NCPA) Member Trade Delegation document.
- p) Adopted Resolution No. 2000-48 authorizing the City Manager to assign the Rate Agreement between ARKAY Industries, Inc. and the City of Lodi to SSI Schaefer Systems International, Inc. and the City of Lodi.
- q) Adopted Resolution No. 2000-49 certifying the filing of a Mitigated Negative Declaration by the Community Development Director as adequate documentation for the Lower Sacramento Road Widening Project, Turner Road to Kettleman Lane.

Speaking on this matter were the following persons:

1. Walter Pruss, 2421 Diablo Drive, Lodi, questioned when and how the public will be made aware of the mitigation monitoring program. Staff responded to additional questions regarding the monitoring program and indicated that additional future questions regarding this program should be referred to the Community Development Director.

Council Member Land questioned the language in the report, which states that the water quality is "substantially degraded". Community Development Director Bartlam explained that Council is voting to certify it is complete and done correctly.

2. Janet Pruss, 2421 Diablo Drive, Lodi, stated that she has never seen the finalized plan for Lower Sacramento Road and questioned when it will come before the public. Public Works Director Prima responded that there will be one or two more trips to Council to approve the plans and specifications and the award of the contract.
- r) Agenda item #E-18 entitled, "Resolution opposing SB402 (Burton) regarding compulsory and binding arbitration for Police and Fire employees" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- s) Adopted Resolution No. 2000-51 supporting an increased level of Medi-Cal funding for long-term care facilities.
- t) Agenda item E-20 entitled, "Approve the following personnel related matters: a) Implementation of salary survey for Maintenance & Operators (M&O) and adopt updated M&O class specifications; and b) Approve classification changes in City departments" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- u) Set Public Hearing for April 19, 2000 to consider a resolution establishing an area of benefit and reimbursable costs for Turner Road Street Improvements.
- v) Authorized the City Manager to execute a standard contract with Energy Masters International, Inc. (EMI), for Phase 1 interim HVAC improvements to the Public Safety Building, not to exceed \$95,000, and authorized use of Public Benefits funds for 25% of the project cost.

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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-10 entitled, "Approve renewal of contract with Outdoor Systems Advertising Company for City-leased advertising billboards".

**(Due to a conflict of interest, Mayor Mann abstained from discussion and voting on this matter.)**

Administrative Assistant to the City Manager Haynes reported that three years ago the Council approved the three freeway signs. They have been well received by the community and tourists.

- Serves as an excellent image-builder for the City of Lodi.
- Dominates a market with landmark visibility.
- Allows the City to effectively and creatively promote the character and quality of life of the community through the use of art work and word copy – Ag/wine theme, revitalized downtown, sports and recreation, tourism, etc.
- Advertising rates are either below or comparable to those signs being leased by other commercial users along the Highway 99 corridor. Outdoor is seen all day, everyday. Outdoor Advertising is capable of producing frequency levels unmatched by any other medium.

Speaking on the matter were the following persons:

1. Brad Grover, Sales Manager at Infinity Outdoor (previously Outdoor Systems Advertising Company), 1268 Englewood Court, answered questions as were posed by the City Council and provided additional details regarding the benefits of billboards.
2. Mark Chandler, Executive Director of the Lodi-Woodbridge Winegrape Commission, 1900 Edgewood Drive, Lodi, indicated that the Commission is pleased with its partnership with the City of Lodi. The Commission would be happy to pick up the cost for repainting the artwork in the future. The signs promote a number of businesses and the character of this community effectively. The Commission is seeking more sites in which to advertise as the new Conference and Visitors' Bureau is completed.

Following additional discussion, the City Council, on motion of Council Member Land, Pennino second, took the following actions by the vote shown below:

- Authorized the City Manager to enter into a three-year contract with Outdoor Systems Advertising Company for advertising on the two billboards on Highway 99 at a monthly rate of \$1,150 (1<sup>st</sup> year), \$1,180 (2<sup>nd</sup> year) and \$1,215 (3<sup>rd</sup> year) per sign, representing a 3% annual escalator per year (this represents a 9% increase over last year's rate); and
- Authorized the City Manager to enter into a three-year contract with Outdoor Systems Advertising for an additional sign on Highway 12 east of Victor Road at a monthly rate of \$170 (1<sup>st</sup> year), \$175 (2<sup>nd</sup> year) and \$180 (3<sup>rd</sup> year) per sign. Lodi-Woodbridge Winegrape Commission is willing to participate in the costs of advertising by donating prepared artwork for signage theme and by picking up the monthly cost of the small Highway 12 sign.

Ayes: Council Members – Hitchcock, Land, Nakanishi and Pennino

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – Mann (Mayor)

- b) Agenda item #E-12 entitled, "Professional services for Test Well Drilling at Roget Park, 2245 West Kettleman Lane".

Public Works Director Prima reported that in the past, the Council has approved retaining a qualified driller, on a time-and-materials basis, for drilling test wells. The work is fairly specialized and few drillers do this work. Clark is an engineer specialized in this field, has done a good job in the past and cooperates well with City staff. We have also checked costs and Clark has been substantially less expensive. The cost of a test well is approximately \$12,600. Actual cost will be based on time and materials.

The Roget Park site is undeveloped. There have been no developments proposed for the residential area to the north and west of the park. The street master plan shows a street connecting Tienda Drive to Interlaken Drive, along the west side of Roget Park.

Preliminary discussions with the Parks Department and the Water/Wastewater Division have indicated that a water well could be located within the park. The site is 350 feet from any existing homes.

The water system master plan calls for a well to be located within the general area of Roget Park. It is our intention to drill one or two test wells within the park to determine if there is sufficient quantity and quality of water to merit locating a production water well at the park.

Funding for a new well is included in the 1999/01 two-year budget (Well 28). The requested appropriation allows for up to two test wells plus laboratory testing expenses.

Council Member Pennino requested that staff research the City Council meeting minutes, because he believes when this was discussed, the family stipulated that the City assure no trees would be removed.

Following additional discussion, Council Member Land made a motion, Hitchcock second, to approve retaining Clark Well, Inc. of Stockton, as a qualified driller for test well professional services for a possible City well at Roget Park, and appropriate \$30,000 for the project; however, the motion was **withdrawn**.

Further, at the request of Council Member Pennino, the City Council, on motion of Council Member Land, Hitchcock second, unanimously tabled this matter for additional information.

- c) Agenda item #E-18 entitled, "Resolution opposing SB402 (Burton) regarding compulsory and binding arbitration for Police and Fire employees".

Council Member Pennino and City Manager Flynn provided the following report and responded to questions as were posed by members of the City Council.

SB402 is legislation introduced last session by Senator John Burton that mandates a system of compulsory and binding arbitration for the resolution of collective bargaining disputes with Police and Fire employees. As currently written, the compulsory and binding arbitration would apply to salary, benefits and all other terms and conditions of employment. The League of California Cities is requesting that local cities adopt a resolution opposing SB402.

The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously adopted Resolution No. 2000-50 opposing SB402 (Burton) regarding compulsory and binding arbitration for Police and Fire employees.

- d) Agenda item #E-20 entitled, "Approve the following personnel related matters: a) Implementation of salary survey for Maintenance & Operators (M&O) and adopt updated M&O class specifications; and b) Approve classification changes in City departments".

Human Resources Director Narloch reported that the City of Lodi endeavors to compensate employees in a manner that allows us to recruit and retain a talented and proficient workforce. In the Memorandum of Understanding (MOU) current in effect between the City of Lodi and the Maintenance & Operators (M&O) units, it was agreed that a salary survey would be conducted in July 1999 and negotiations would be reopened to discuss salary. It was also agreed that any salary adjustments will be effective beginning the pay period in which January 1, 2000 falls.

Working with City staff, Bryce Consulting has completed a salary survey of benchmarked M&O positions. After a process that included input, discussion, review and finally agreement with representatives of the M&O unit, the results of this analysis are complete. It is recommended that the salaries be implemented according to staff recommendation.

For those positions where the recommended top step is less than the current top step (in no case is there a decrease greater than 1.8%) the salary (not the salary range) of the incumbent in the position will be "Y-rated" or frozen. A negotiated salary increase of 3.5% will be implemented for all members of the M&O unit on July 1, 2000. All Y-rating will be effectively eliminated at this time.

In addition, staff is recommending the position of Tree Operations Supervisor be added to the list of positions eligible to receive the \$50 per month Pest Control Advisor License incentive, along with the extension of a Certified Arborist incentive of \$100 per month.

All incumbents in each M&O position were given the opportunity to review and comment on their existing job specification. Comments were then reviewed by the employee's supervisor and Department Head. This input was reviewed by Bryce Consulting and Human Resources staff and changes to specifications were made in accordance with sound classification principles. The updated specifications were then presented to Department Heads as well as representatives of the M&O unit. Consensus amongst these individuals has been achieved.

Further, there are currently eight Library Assistant positions and one Senior Library Assistant position at the City Library. The Library Board feels it is important to establish a second Senior position to provide lead direction for the Assistants. In addition to performing many of the regular duties of the Library Assistant, this position will develop training programs and provide training for the Assistants, thus freeing up much needed time currently devoted to this function by the Supervising Librarian. Also, very important, this position will prepare the Assistants' work schedules to ensure the front counter is properly staffed and the public continues to receive prompt service. Should City Council approve this reallocation, there would then be seven Library Assistant positions and two Senior Library Assistant positions.

The Senior Library Assistant is an existing classification with an established salary range, therefore, there is no need for City Council to approve a new salary range. The revised specification simply eliminates archaic references to duties such as "typing catalog cards" and more accurately describes the function of this position in a 21<sup>st</sup> Century Library environment.

It is recommended that City Council approve the reallocation of one Library Assistant position to Senior Library Assistant and approve the revised Senior Library Assistant class specification. This will not increase the number of budgeted positions within the department.

In addition, the Fire Department presently has three authorized Fire Division Chief positions and two authorized Fire Battalion Chief positions. Chief Officers are assigned supervision of one of the three suppression shifts. Typically this assignment is given to the first level of mid-management above the rank of Captain. This proposal would reallocate one vacant Fire Division Chief position to Battalion Chief. This would result in three Fire Battalion Chiefs positions overall, allowing the department to assign a Fire Battalion Chief to each suppression shift for supervisory purposes.

Organizationally there is a need in the Fire Department for additional Captain positions to supervise crews on Truck One. Department resources would be more effectively utilized by reallocating three Fire Engineer positions to three Fire Captain positions. The primary role of these supervisors is to direct emergency operations and coordinate the operations of the Truck crew with other crews working at an emergency scene. Since Truck One will have a full minimum crew of three assigned all the time, it is appropriate to have a supervisor assigned as one member of that crew. As there are three shifts in the Fire Department, three Captains are needed to provide this coverage.

It is recommended that City Council approve the reallocation of one Fire Division Chief position to Fire Battalion Chief and three Fire Engineer positions to Fire Captain. This will not increase the number of budgeted positions within the department.

Council Member Hitchcock requested that this type of item routinely be placed on the Regular Calendar for discussion, instead of on the Consent Calendar. At the request of Council Member Hitchcock, both Library Services Director Martinez and Fire Chief Kenley explained the reasons for this request and answered questions as were posed by the City Council.

*Continued April 5, 2000*

Following further discussion, the City Council, on motion of Council Member Hitchcock, Land second, unanimously adopted the following resolutions:

- Resolution No. 2000-52 entitled, "A Resolution Of The Lodi City Council Implementing Salary Survey For Maintenance & Operators (M&O) And Adopting Updated M&O Class Specifications"; and
- Resolution No. 2000-53 entitled, "A Resolution Of The Lodi City Council Approving Classification Changes In Two City Departments".

7. RECESS

Mayor Mann called for a ten-minute recess, and the City Council meeting reconvened at approximately 8:45 p.m.

8. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider Refuse Rate Adjustment Application from Central Valley Waste Services, Inc. (CVWS).

Public Works Director Prima reported that over the past eight years, City Council has followed a rate methodology, adopted by Council December 4, 1991, for establishing residential and commercial refuse collection rates in the City of Lodi. In accordance with this methodology, CVWS has requested a rate adjustment of 1.03%, or an increase of \$0.19 per month on the standard 38-gallon residential rate.

This year's application, the second year of a two-year adjustment cycle, is based on a composite cost index formula. The detailed analysis of the rate adjustment takes place in alternate years and will be done in 2001.

The submittal made by CVWS for the rate increase has been reviewed in context with the Index Year Rate Procedure for the Rate Methodology and was found to be in conformance. CVWS has requested the adjustment become effective April 1. However, the new rate will take effect immediately after adoption (April 6, 2000) rather than on April 1, 2000. The new billing system instituted by our Finance Department last year will automatically account for this effective date.

Tom Sanchez, General Manager of CVWS, 1333 East Turner Road, Lodi, presented a report of reduced cost procedures, highlighting the following points:

- Out-sourced compost processing;
- Purchased more fuel efficient collection vehicles;
- The design and construction of a new maintenance shop, thereby increasing preventative maintenance;
- The purchase of waste carts reduced through negotiation and central supply buying.
- Joined with Recycle America, Waste Management, to take advantage of recycling commodities selling synergy; and
- Administrative expenses were reduced by utilizing centralized corporate services, legal engineering fees, fleet purchasing, financial management and risk management.

Hearing Opened to the Public

1. Eileen St. Yves, 310 South Orange Avenue, Lodi, stated she had the privilege to help get a program together for apartment complexes. In addition, she expressed a concern about the difficulty of encouraging residents in the age bracket of 35 – 55 to participate in the trash and recycling programs.

Public Portion of Hearing Closed

**ACTION:**

Following discussion, the City Council, on motion of Council Member Pennino, Hitchcock second, unanimously took the following actions:

- Adopted urgency Ordinance No. 1687 entitled, "An Uncodified Urgency Ordinance Of The City Council Of The City Of Lodi, Repealing Ordinance 1672 In Its Entirety, And Establishing New Rates For Residential Solid Waste Collection";
- Adopted urgency Ordinance No. 1688 entitled, "An Uncodified Urgency Ordinance Of The City Council Of The City Of Lodi, Repealing Ordinance 1673 In Its Entirety, And Establishing New Rates For Commercial Solid Waste Collection"; and
- Adopted urgency Ordinance No. 1689 entitled, "An Uncodified Urgency Ordinance Of The City Council Of The City Of Lodi, Repealing Ordinance 1674 In Its Entirety, And Amending Lodi Municipal Code Chapter 13.16, Relating To Commercial 10 To 50 Cubic Yard Roll-Off Boxes".

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider technical equipment purchase proposal for Local Law Enforcement Block Grant Program.

Police Chief Hansen reported that on September 30, 1999, the Lodi Police Department applied for a Grant from the Local Law Enforcement Block Grant Program Funds in the amount of \$82,087, plus matching funds of \$9,121. The source of the matching funds will be taken from the 1999/2000 Lodi Police Department Budget. When the funds are received, they will be placed in a special revenue fund, pending dispersal.

On February 10, 2000, an Advisory Board convened and reviewed the proposal for the disbursement of those funds. The proposal indicated that we would purchase updated Mobile Data Computer Pentium based color screens for 22 patrol units.

The Advisory Board consisted of the following persons:

Dr. Rich Ferrera, Assistant Superintendent, Lodi Unified School District  
Robert Baysinger, Judge, Lodi Municipal Court  
D.D.A. Scott Fichtner, San Joaquin County District Attorney's Office  
Charles Mauch, Captain, Lodi Police Department  
Jerry Adams, Captain, Lodi Police Department/Lodi Boys and Girls Club  
Larry Hansen, Chief, Lodi Police Department  
Julie Wall, Lodi Police Department

The Advisory Board agreed with the proposal and made no other recommendations.

Hearing Opened to the Public

There were no persons wishing to speak on this matter.

Public Portion of Hearing Closed

**ACTION:**

The City Council, on motion of Council Member Land, Nakanishi second, unanimously adopted Resolution No. 2000-54 entitled, "A Resolution Of The Lodi City Council Approving The Technical Equipment Purchase Proposal For Local Law Enforcement Block Grant Program".

9. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Pennino, Hitchcock second, unanimously rejected the following claims:
1. Vivian Faulk, date of loss 1/17/00
  2. Arthur Jewell, date of loss 1/15/00
  3. Tamara Lumley, Dorothy Connelly and Tony Lumley (dec), date of loss 8/31/99
- b) The following report was presented to the City Council:
1. Planning Commission reports of March 8, 2000 and March 22, 2000
- c) The City Council, on motion of Council Member Land, Hitchcock second, unanimously approved the creation of the Ad Hoc Veteran's Day Advisory Committee and made the following appointments:

**Ad Hoc Veteran's Day Advisory Committee**

Gloria Brosnikoff	Unspecified Term
Francis Capone	Unspecified Term
Pat Catanzarite	Unspecified Term
Tony Duran	Unspecified Term
Phil Felde	Unspecified Term
Timothy Fowler	Unspecified Term
Mary Galvan	Unspecified Term
Cynthia Haynes	Unspecified Term
Chuck Higgs	Unspecified Term
Steve Jarrett	Unspecified Term
Phil Jolly	Unspecified Term
Brad Jones	Unspecified Term
Bob Lagomarsino	Unspecified Term
Charles Mauch	Unspecified Term
Bill Pfeifle	Unspecified Term

Speaking on this matter were the following persons:

1. Tony Duran commended the City Council for taking the initiative to erect this monument and believes this will serve the purpose of honoring our veterans and thanking them for what they have done for our country.
  2. Brad Jones, representing the Lodi Employment Department, also commended the Council for its commitment in honoring veterans. Veterans and their families will be able to visit downtown Lodi and see that Lodi backs its veterans 120%.
  3. Phil Jolly, 168 Hemlock Drive, Lodi, commented that this memorial should be for all veterans, in war and in peace.
  4. Timothy Fowler thanked the Council for this opportunity, and commented that this project is not only for beautification purposes, but also for the honor due to all veterans of the wars, past, present and future.
- d) The City Council, on motion of Council Member Land, Hitchcock second, unanimously directed the City Clerk to post for the following vacancies and expiring terms:

**Lodi Arts Commission**

Tim Mattheis	Term to expire July 1, 2001
Lesley Muscha	Term to expire July 1, 2002

**Lodi Senior Citizens Commission**

Shelby Young                      Term to expire December 31, 2001

**Greater Lodi Area Youth Commission**

Andrea Daniel	Term to expire August 30, 2000
Ashleigh Krueger	Term to expire August 30, 2000
Summer Pennino	Term to expire August 30, 2000
Julia Rough	Term to expire August 30, 2000
Alisha Thawley	Term to expire August 30, 2000
Robert Hoffman	Term to expire August 30, 2001

**San Joaquin County Commission on Aging**

Dorance Ochs                      Term to expire June 30, 2000

10. **REGULAR CALENDAR**

- a)      Agenda item #H-1 entitled, "Approve proposal for All Military Veterans Monument".

Administrative Assistant to the City Manager Haynes reported that the City was asked by the Lodi Veterans organizations to assist them in the planning, design and construction of a "Veteran's Monument" to recognize the veterans who served in the Armed Forces of this country in war or peace. The monument would be located between City Hall and Carnegie Forum.

Under this proposal, the City would advance \$25,000 to develop schematic design plans and construction plans to be used to raise funds from Veteran's organizations, service clubs, local businesses and individuals for construction of the Veteran's Monument.

Tim Mattheis, with Wenell, Mattheis and Bowe, presented the initial conceptual design of the All Military Veterans Monument and answered questions as were posed by the City Council.

Following discussion, the City Council, on motion of Council Member Land, Nakanishi second, unanimously authorized staff to seek proposals for design and construction plans for a Veteran's Monument, appropriated \$25,000 from the General Fund Capital to start this project and approved the destruction and removal of the existing fountain structure.

11. **RECESS**

Mayor Mann called for a ten-minute recess, and the City Council meeting reconvened at approximately 10:05 p.m.

12. **REGULAR CALENDAR (Continued)**

- a)      Agenda item #H-2 entitled, "Consider modifications to Lodi Municipal Code Section 10.52.050, "Commercial Vehicle Parking".

Public Works Director Prima presented the following report.

As requested by the Mayor, staff has prepared the following report to discuss modifications to the Code section regulating the parking of commercial vehicles on public streets in the City of Lodi. The report includes a brief history of the recent changes made to the parking of commercial vehicles, and a review and discussion of modifications being considered.

Recent History of Commercial-Parking Issue – At the September 15, 1999 meeting, Council approved a new ordinance amending LMC Section 10.52.050 to limit the parking of commercial vehicles only to designated streets in commercial or industrial zones between the hours of 7 p.m. and 7 a.m. Commercial vehicles in the process of being loaded or unloaded were not included. Parking in these designated areas was to be permitted until January 1, 2001. After that, commercial-vehicle parking would not be allowed on any street unless loading or unloading. Due to the need to design, order, and install the many signs needed for these modifications, enforcement of the new parking restrictions did not commence until mid-February when the final signs were installed. Prior to this new ordinance, commercial-vehicle parking was prohibited along residential frontages, which includes schools, parks, playgrounds, community center, churches, etc.

Modifications for Consideration – The modifications for consideration are shown below. The modifications are based on comments from Council and other information received by staff.

**1. Allow overnight parking on portions of Cherokee Lane and Kettleman Lane**

Finding suitable (from a safety standpoint) and acceptable (from a public and adjacent-property-owner standpoint) locations on these streets, even for overnight only, may be difficult.

In addition to staff's concern about the number of truck parking complaints received on both Cherokee Lane and Kettleman Lane, there have been no complaints received from motels or retail stores along these roadways that prohibiting trucks is hurting their business. (Long-haul truck drivers likely use their sleepers to rest.) Since the new parking regulations went into effect, we have also been contacted by the owner of the Tokay Bowl property and the Seventh Day Adventist School Board concerning their desire to not allow truck parking along their frontage. Commercial-vehicle parking along the Seventh Day Adventist School's residential-zoned frontage along Kettleman Lane was not permitted even under the older Code. There have also been two accidents on Kettleman Lane and on Stockton Street where drivers were killed after running into the rear of parked trucks. The suggested hours may also be a problem. Depending on the location, they may conflict with business hours and are different from the industrial hours which may lead to confusion.

**2. Allow all-day parking in some of the industrial areas**

This modification may cause problems in some of the locations due to demand for on-street daytime parking. We have also received comments that some industrial developments do not want lots of trucks parking on the street, blocking the view of their buildings/landscaping.

There may be some situations where daytime parking would be acceptable and, in some cases, necessary beyond the allowance for loading and unloading. For example, we have been told of a truck mechanic who occasionally has vehicles dropped off on-street outside of normal working hours. There may also be cases where a business needs to leave a truck on the street for some period of time. Staff can work with these situations and post areas with varied hours if Council wishes, but we will need some policy direction as to who or what use takes priority.

**3. Increase weight rating on restricted commercial vehicles**

There has been some concern that the 10,000-pound limit could affect larger pickups owned by residents. This has not been a problem as the Police are only enforcing large commercial vehicles. Increasing the weight specified could lead to problems with commercial vehicles. There are large vans that are under 10,000 pounds that are primarily used for commercial purposes. If Council is concerned with this issue, we could create a commercial-vehicle definition more specific than the State Vehicle Code.

Increasing the commercial-vehicle weight rating does not appear to be necessary since increasing it would permit larger commercial vehicles to park in residential areas and it is evident that the intent of the Code is not to prohibit large pickups and similar "personal" vehicles. We should also note that recreational vehicles are not included in our definition and parking them on-street is not affected by this ordinance.

#### **4. Extend January 1, 2001 date**

If modifications A and/or B are adopted, this may be a moot point. Staff feels this should be addressed later in the year.

General Comments – Staff recently field checked the designated commercial-vehicle parking areas on three occasions after 7 p.m. On the first two surveys, only two to three trucks were observed; however, in the most recent survey there were fourteen commercial vehicles parked, with others seen entering the designated areas. The majority of trucks were equipped with sleepers but it was unknown how many were occupied. The trucks seemed to park in groups in a couple of areas, possibly for security reasons. As more trucks use the designated areas, security should be enhanced.

Although staff has observed that some commercial vehicles have moved just outside the City limits, on West Lane south of Harney Lane, for example, it appears there is an overall reduction in the number of commercial vehicles parking in and around the City. It is our impression that the restriction has encouraged truck drivers to pursue other parking options available. It has also had the side benefit of encouraging truck-related businesses in the City to better utilize on-site areas for the storage of trucks and trailers instead of street parking.

The Economic Development Coordinator and Traffic Engineering staff recently met with representatives from some local businesses that use trucks. The Economic Development Coordinator has also talked to some truck drivers who have expressed interest in creating a truck parking lot. The January 1, 2001 date for the prohibition of truck parking in Lodi will likely encourage anyone interested in developing a parking lot to act sooner than later. Staff is concerned that allowing on-street truck parking indefinitely will discourage private development of a lot.

The problem with enacting any type of parking restrictions is that they will never satisfy every situation. However, based on the increasing use of the designated parking areas and interest being shown by individuals in developing a parking lot, it appears that Council's intentions may be becoming a reality. However, if changes are going to be considered, Council should be aware that it will take several weeks to have signs made and installed.

Speaking on the matter were the following persons:

1. Don Lindsay, 384 Valley Avenue, Lodi, stated he would appreciate a place to legally stop when going through town and feels the parking lot idea would work. If trucks parked in this lot, he believes there would be fewer accidents because the trucks would not be parked along the streets. He would support Option 2.
2. Stan Randolph, Policy Consultant with the California Trucking Association, agreed to the earlier statement that there is no question that the City has the right to legally post signage prohibiting parking. However, the other side to that coin is that the City should still accommodate trucks making deliveries. Mr. Randolph expressed his support for Option 2.

Following discussion, the City Council, on motion of Mayor Pro Tempore Nakanishi, Mann second, directed staff to return to Council with an ordinance approving modification (Option 2) allowing all-day parking in some of the industrial areas by the following vote:

Ayes: Council Members – Land, Nakanishi, Pennino and Mann (Mayor)

Noes: Council Members – Hitchcock

Absent: Council Members – None

13. VOTE TO CONTINUE WITH REMAINDER OF MEETING

Pursuant to the Lodi Municipal Code, the City Council, on motion of Council Member Pennino, Mann second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

14. REGULAR CALENDAR (Continued)

- a) Agenda item #H-3 entitled, "Water Well #26 site location options within Katzakian Park".

Public Works Director Prima reported that the City needs a new water well in the northwest area and has had plans for several years to include a well with the new Katzakian Park on Turner Road. The Park site layout, which included the water well, was approved by the City Council on January 20, 1999, following the Parks Commission's approval on November 5, 1998. This plan showed the well located off Regent Street. Since then, homeowners adjacent to the Park, specifically those who live on Regent Street, have voiced concerns as to the size and location of the actual well and, at its February 16, 2000 meeting, the City Council directed staff to develop an alternative, locating the well in the northeast corner of the Park.

This direction, in part, was based on comments made by the adjacent property owner, Del Smith, that he was willing to work with the City on this location. However, since then, staff received a letter from Mr. Smith expressing concern over this location due to possible noise from the pump motor. Also, Public Works staff attended the March 7, 2000 meeting of the Parks and Recreation Commission to update them on this issue and receive their comments concerning possible impacts to the Park layout. At the meeting, public comments were made expressing a preference for placing the well pump and a small enclosure adjacent to the parking lot at Bridgetowne Drive with provisions for future GAC filters in the northeast corner. Although there was no specific vote taken by the Commission, there were comments made by some members expressing a preference for a single enclosure at the northeast corner over two separate enclosures in order to minimize overall Park space taken by the water facility.

Staff has developed a layout for the northeast corner, Option 1, and for comparison purposes has refined two other options. Also presented were comparative costs for these options.

**Option 1** – This site occupies 4,600 square feet of the northeast corner of the Park, plus a comparable amount of space for a drive access off Regent Street. Utilities would need to be extended to the site across the park from Bridgetowne Drive. These utilities, along with test well costs, add approximately \$70,000 to the cost of the well. Of greater concern, however, is the increased risk of future water contamination. This site is much closer to the former living and farm-maintenance activities that took place on the Towne homestead for over 60 years, now occupied by Wine and Roses Country Inn. This risk is very difficult, if not impossible, to quantify. Future filters, if needed, would be installed within the enclosure. The Park layout has been partially modified to show the baseball/soccer field rotated and moved closer to Turner Road. Additional changes to the walkway layout west of the field and grading/landscaping changes would also be necessary.

**Option 2** – This option shows a 600-square-foot enclosure for the well, piping, and electrical panel located off Bridgetowne Drive, with a 140-square-foot remote enclosure for the flushing manhole. Any future filters would be installed in a 2,000-square-foot enclosure in the northeast corner along with a new drive access.

**Option 3** – This option is the same as Option 2, except with the well and an additional driveway located at the Regent Street location shown in the approved park master plan.

From a space standpoint, Options 2 and 3 occupy less Park ground and require fewer changes to the Park design. Public Works staff feels that either Option 2 or 3 would be the best long-term solution for the City as a whole; however, we can make Option 1 work, recognizing impacts to the Park design and the potential risk of future contamination.

In all cases, staff proposes that the City retain an architect to design the enclosure and that appropriate screening landscaping be installed around the enclosure(s). At the request of Mr. Smith, we have shown trees along the north side of the northeast enclosure to screen the equipment from this proposed two-story home. Staff requests that we be authorized to grant a landscape easement to the property owner on the north side of the enclosure (if needed) to allow the proposed trees to be planted outside of the enclosure and be maintained by the property owner.

Speaking on the matter were the following persons:

1. Jeff Jarvis, 1108 Waterford Way, Lodi, expressed his support for Option 2 and thanked the Public Works Director for all of his efforts in working out this problem.
2. Ron Birchard, 1115 Inverness Drive, Lodi, also expressed his support for Option 2 and suggested that the well run east and west instead of north and south.

Following discussion, the City Council, on motion of Council Member Land, Hitchcock second, unanimously approved Option 2, with Public Works looking at the possibility of switching the position of the well to run east and west.

- b) Agenda item #H-4 entitled, "Resolution of intention to approve an amendment to contract between Public Employee's Retirement System (PERS) and City of Lodi and ordinance introduction".

Human Resources Director Narloch provided the following report.

Per the direction of the City Council, staff had requested and received actuarial valuations explaining the impact of amending our CalPERS contract plan to include the enhancement of benefits for Miscellaneous, Fire and Police units.

As Council may recall, the timing for these changes is partially driven by the "window period" offered by CalPERS in which they will increase the actuarial value of assets from 90% of market value to 95%, thus reducing our plan's liability due to the change in benefits.

Equally if not more important is the impact on the City's employees as recognized by the City Council's goals stated in the 1999-2001 Budget and Financial Plan. The implementation of this benefit will enable us to attract, retain, and invest in a quality workforce to ensure an efficient and productive City organization.

During the next several years it is expected that we will be recruiting key personnel to continue our journey into the 21st century. With the increased competition among agencies for a limited experience pool, it is imperative that we remain comparable and attract qualified applicants to our City.

Speaking in support of this matter were the following persons:

1. Nancy Matulich, representing General Services and M&O, 9418 Blaze Court, Sacramento.
2. Larry Hansen, Police Chief.
3. Scott Kenley, Fire Chief.
4. John Bartell, Consultant, 1175 Nimitz, Foster City, answered questions of Council regarding final costs in dollars and percentages over the next few years.

Following discussion, the City Council took the following actions:

- On motion of Council Member Hitchcock, Land second, unanimously adopted Resolution No. 2000-55 entitled, "A Resolution Of Intention Of The Lodi City Council To Approve An Amendment To Contract Between The Board Of Administration Of The California Public Employee's Retirement System (PERS) And The City Council Of The City Of Lodi", which provides Government Code Section 20042 (One-Year Final Compensation) for local police members only; and Government Code Section 21354 (2% @ 55 Full and Modified formula) for local miscellaneous members.
- On motion of Council Member Hitchcock, Land second, adopted Resolution No. 2000-56 entitled, "A Resolution Of Intention Of The Lodi City Council To Approve An Amendment To Contract Between The Board Of Administration Of The California Public Employee's Retirement System (PERS) And The City Council Of The City Of Lodi", which provides Government Code Section 21362.2 (3% @ 50 Full Formula) for local safety members, by the following vote:  
  
Ayes: Council Members – Hitchcock, Land, Nakanishi and Mann (Mayor)  
Noes: Council Members – Pennino  
Absent: Council Members – None
- On motion of Mayor Mann, Hitchcock second, unanimously introduced Ordinance No. 1690 entitled, "An Ordinance Of The City Council Of The City Of Lodi Authorizing Amendment To The Contract Between The City Council Of The City Of Lodi And The Board Of Administration Of The California Public Employee's Retirement System".

15. ORDINANCES

None.

16. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

17. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Pennino requested that staff place on a future agenda discussion regarding two current bills, AB1885 and 2767, that takes away the 85<sup>th</sup> percentile speed limit and gives it to local jurisdictions to establish speeds.
- b) City Manager Flynn announced upcoming birthday celebrations for Council Member Pennino, City Attorney Hays and Police Chief Hansen.

18. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 12:35 a.m., on Thursday, April 6, 2000

ATTEST:

Jacqueline L. Taylor  
Interim City Clerk